HALON RECYCLING CORPORATION

May 11, 2006

BY E-MAIL

EPA Air Docket
Environmental Protection Agency
Room B108, Mail Code 6102T
1301 Constitution Avenue, NW
Washington, DC 20004

Re: EPA-HQ-OAR-2005-0131

Dear Sirs:

The Environmental Protection Agency (EPA) recently issued a direct final rule exempting entities that import aircraft fire extinguishing pressure vessels containing halon-1301 ("aircraft halon bottles") for hydrostatic testing from the import petition requirements for used ozone depleting substances. 71 Fed. Reg. 18219 (April 11, 2006). It is intended that this rule become effective June 12, 2006 unless adverse comment is received. *Id.* At the same time, EPA issued a proposed rule soliciting public comment that will be taken into consideration by EPA in adopting a final rule on this subject matter in the event the direct final rule does not go into effect. 71 Fed. Reg. 18259 (April 11, 2006).

Halon-1301 is a low-toxicity, chemically stable, gaseous compound used in fire protection systems and devices to suppress fire and explosions. Due to the adverse effects of halons on stratospheric ozone, they were phased out of production in 1994 under the Montreal Protocol on Substances That Deplete the Ozone Layer and the Clean Air Act Amendments of 1990. Since effective substitutes are presently unavailable for fire and explosion protection for national security, North Slope oil production, aviation safety, and other critical needs, the recycle and transfer of halon-1301 for such uses is encouraged. The Halon Recycling Corporation (HRC) is a non-profit association formed in 1993 to facilitate the transfer of the existing bank of halon-1301 to public and private sector users who have a critical need for halon-1301. HRC supports the exemption of aircraft halon bottles from the import petition requirements, and is pleased to have the opportunity to submit these comments.

Aircraft halon bottles are purpose-built high-pressure vessels that range in size from that of a grapefruit to that of a basketball. Each bottle contains from less than one

pound to over 100 pounds of a halon-1301/nitrogen mixture. The bottles are components of systems used on aircraft to prevent or retard fire and explosions and to prevent the spread of a fire.

Halon bottles are designed to store the required amount of pressurized suppressant agent while housing the bosses and pads necessary to satisfy functional and attachment requirements. The bosses, properly positioned, provide mounting beds for the installation of the outlet, rupture discs, fill fitting, and switches. After assembly, the container is filled with the required quantity of suppressant agent, super-pressurized with nitrogen, and hermetically sealed. The extinguishing agent is expelled from the container through a rupture disc that is opened by explosive cartridge actuation. Prior to installation, the whole unit undergoes final testing to ensure against leaking.

As noted in the preamble to the direct final rule, aircraft halon bottles must be tested routinely under Federal Aviation Administration (FAA) and Department of Transportation (DOT) regulations. Federal Aviation Regulations (FAR) at 14 C.F.R. § 25.851(a)(6) require the presence of halon bottles aboard transport category aircraft. The FAA Flight Standards Handbook Bulletin for Airworthiness 02-01B, which provides guidance on the maintenance and inspection of halon bottles, states that "pressure cylinders that are installed as aircraft equipment will be maintained and inspected in accordance with the manufacturer's requirements." Manufacturer's requirements specify periodic testing of aircraft halon bottles.

Regular servicing and repair of halon bottles by a certified recycling facility is very important. Upon receipt, the bottles may be fired (empty) or remain filled. All the bottles are emptied, the halon is captured, and the bottles are torn down, hydrostatically tested, rebuilt, and refilled with halon-1301 that has been recycled according to specified requirements. The captured halon is collected and recycled. After any necessary repairs, the bottles are returned to service.

Application of the import petition requirements to aircraft halon bottles brought to the United States for hydrostatic testing could impair the ability of airlines and repair facilities to comply with FAA and DOT requirements and would serve no useful purpose. Among the import petition requirements that cannot be met for halon bottles is the requirement that, at least 40 days prior to shipment from the foreign port, the importer must provide to EPA:

- name, address, contact person, phone number, and fax number of all previous source facilities from which the halon-1301 was recovered

- detailed description of previous use of the halon-1301 at each source facility and a best estimate of when it was put into the equipment at each source facility, and, when possible, documents indicating the date the material was put into the equipment

- a list of the name, make, and model number of the equipment from which the halon-1301 was recovered at each source facility

- name, address, contact person, phone number, and fax number of exporter and all persons to whom the material was transferred or sold after it was recovered from the source facility

In the case of material that has been recovered and reused several times, such as halon-1301 in aircraft halon bottles, much if not all of the information identified above will not be available. In addition, a 40-day notice itself is inconsistent with the trade practice in commercial aviation, and would be highly impracticable if not impossible to meet. Even if it could be met, expeditious transit and testing are important to promote proper aircraft maintenance.

On the other hand, compliance with current import petition requirements for aircraft halon bottles would not serve the purpose of the requirements, which is to reduce the potential for illegal trade in ozone-depleting substances. Few vessels would be less suited to smuggling halons than aircraft halon bottles. Almost all hold less than 100 pounds, many less than five pounds, yet to meet the specifications of airframe manufacturers they cost up to several thousand dollars each. As they are system components that hold their contents under high pressure, expertise and special equipment is required to release the halon and to refill the bottle.

It appears that aircraft halon bottles fall within the scope of the import petition rule only because the *de minimis* threshold was reduced in 1998 from 150 pounds to five pounds. Exemption of aircraft halon bottles will simply remove the burden that was unintentionally created by this action. As detailed in the preamble to the direct final rule (71 Fed. Reg. at 18224), all existing recordkeeping and reporting requirements, including quarterly reporting for imports and annual reporting for exports, remain in place. Thus, EPA will continue to be able fully to track movement of all halon-1301 into and out of the United States.

HRC appreciates the opportunity to comment in support of the direct final rule exempting aircraft halon bottles from the import petition requirements.

Sincerely,

Thomas A. Cortina
Executive Director

cc: D. Hufford, Director
Stratospheric Protection Division